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21 1901 Avenue of the Stars  
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23 Los Angeles, CA 90067  
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25 Facsimile: (310) 228-3701

26 Attorneys for Plaintiff and  
27 Counterdefendant Moog Inc.

28 **UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

MOOG INC.,

Plaintiff,

v.

SKYRYSE, INC., ROBERT ALIN  
PILKINGTON, MISOOK KIM, and  
DOES NOS.1-50,

Defendants.

Case No. 2:22-cv-09094-GW-MAR

*Hon. George H. Wu*

**DECLARATION OF KAZIM A.  
NAQVI IN SUPPORT OF  
PLAINTIFF AND COUNTER-  
DEFENDANT MOOG INC.'S  
NOTICE OF MOTION AND  
MOTION TO ENFORCE  
COMPLIANCE WITH THE  
COURT'S ORDERS (DKTS. 25,**

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**109 253, 272, 292), AND FOR  
MONETARY SANCTIONS FOR  
CONTEMPT**

*[Filed concurrently with Notice of  
Motion and Motion; [Proposed] Order]*

Date: May 8, 2023  
Time: 8:30 a.m.  
Ctrm.: 9-D

Complaint Filed: March 7, 2022  
Counterclaims Filed: January 30, 2023

**DECLARATION OF KAZIM A. NAQVI**

1  
2 1. KAZIM NAQVI, under penalty of perjury and pursuant to 28 U.S.C.  
3 § 1746, declares the following to be true and correct:

4 2. My name is Kazim Naqvi. I am an associate at Sheppard, Mullin,  
5 Richter & Hampton LLP. I am over the age of 18 years old. I have personal  
6 knowledge of the matters set forth herein and if called as a witness, I could and  
7 would competently testify as to all facts set forth herein. I am counsel for plaintiff  
8 and counterdefendant Moog Inc. (“Moog”) and I provide this declaration in  
9 support of Moog’s Notice of Motion and Motion to Enforce Compliance with the  
10 Court’s Orders (Dkts. 25, 19, 253, 272, 292) and for Monetary Sanctions for  
11 Contempt (the “Motion”).

12 3. A true and correct copy of e-mail correspondence between counsel for  
13 Moog and counsel for defendants Misook Kim and Robert Alin Pilkington (the  
14 “Individual Defendants”), between November 10, 2022 and January 13, 2023, is  
15 attached hereto as Exhibit “A.”

16 4. A true and correct copy of e-mail correspondence between counsel for  
17 Moog and counsel for the Individual Defendants, between March 3, 2023 and  
18 March 21, 2023, is attached hereto as Exhibit “B.”

19 5. On March 21, 2023 at 10:00 a.m., and pursuant to L.R. 7-3, I  
20 telephonically met and conferred with counsel for Individual Defendants regarding  
21 this Motion. During the meet and confer, the Individual Defendants’ counsel  
22 refused to produce the Court-ordered communications from the electronic devices  
23 produced to discovery vendor iDiscovery Solutions (“iDS”) Nos. 0003, 0004,  
24 0014, 0021, and 0022 (the “Five iDS Devices”). The apparent basis was that the  
25 Individual Defendants intended to again assert a Fifth Amendment privilege over  
26 the Five iDS Devices. I advised the Individual Defendants’ counsel that the  
27 assertion of the Fifth Amendment over the iDS Electronic Devices had already  
28 been litigated extensively, and the WDNY issued multiple orders finding that the

iDS Electronic Devices are not covered by any Fifth Amendment privilege and even if they were, such privilege had been waived. Nonetheless, Individual Defendants' claimed they were not producing the documents based on Fifth Amendment issues. Individual Defendants' counsel also cited to the pending Motion to Stay (Dkst. 392, 393) as a basis to refuse to provide Court-ordered discovery. I advised that the Individual Defendants are in contempt of multiple Court orders, and would move to enforce such orders and seek sanctions.

6. Attached as Exhibit "C" is a true and correct copy of e-mail correspondence between iDS and counsel for all parties between March 15, 2023 and March 21, 2023.

7. Attached as Exhibit "D" is a true and correct copy of a March 29, 2023 e-mail from iDS to counsel for all parties.

8. I graduated law school in 2014. I am a C1 level associate at Sheppard Mullin, and my discounted billing rate is \$850/hour. I spent approximately 5 hours in connection with the research, preparation, and drafting of the Motion. I was the leading attorney in terms of analyzing, researching, and drafting the Motion. I anticipate spending 4 hours in connection with the research, preparation, and drafting of the Reply Brief in support of the Motion, as well as an additional 2 hours to prepare for and attend any argument on the Motion. With a total of 11 hours in connection with the Motion, Moog has incurred at least \$9,350 in attorneys' fees. This amount does not account for fees and costs incurred by Moog for several hours in attorneys' fees from other Sheppard Mullin team members in reviewing and editing the Motion.

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1 I declare that the foregoing is true and correct under penalty of perjury  
2 under the laws of the United States of America.

3 Executed this 3rd day of April, 2023, in Los Angeles, California.

4  
5 /s/ Kazim Naqvi

6 Kazim Naqvi  
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# **EXHIBIT A**

**From:** Kazim Naqvi

**Sent:** Friday, January 13, 2023 3:52 PM

**To:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>

**Subject:** RE: Moog/Skyryse - November 10 Hearing

Anthony:

It has been a month since you represented below the Court-ordered communications would be produced. Please advise when they will be produced.

Thank you,  
Kazim

**Kazim Naqvi**  
**SheppardMullin** | Los Angeles  
+1 424-288-5336 | ext. 15336

**From:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>

**Sent:** Wednesday, December 7, 2022 3:06 PM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>

**Subject:** RE: Moog/Skyryse - November 10 Hearing

Kazim:

I expect the review will be completed and production will occur toward the end of next week.

Regards,

Anthony

**Anthony D. Green, Esq.**  
*Partner*  
Winget, Spadafora & Schwartzberg, LLP  
45 Broadway, 32nd Floor  
New York, N.Y. 10006  
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E [Green.A@wssllp.com](mailto:Green.A@wssllp.com) | M (917) 837-1781

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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Monday, December 5, 2022 8:01 PM

**To:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>

**Subject:** RE: Moog/Skyryse - November 10 Hearing

Anthony:



I am following up for the third time on my e-mails below. It has been 25 days since the Court's order, and we still have not have not received even a timeline of when the communications will be made available for Moog's review. This is an issue that we would prefer not to burden the Court with. Please provide an anticipated date of production.

Thank you,  
Kazim

**Kazim Naqvi**  
**SheppardMullin** | Los Angeles  
+1 424-288-5336 | ext. 15336

**From:** Kazim Naqvi  
**Sent:** Monday, November 28, 2022 1:15 PM  
**To:** 'Anthony Green' <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; 'SKYRYSEMOOG.LWTEAM@lw.com' <[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>; 'Alexander Truitt' <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; 'Annabel Mireles' <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>  
**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; 'Muto, Pauline T.' <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; 'Fluskey Jr., Robert J.' <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>  
**Subject:** RE: Moog/Skyryse - November 10 Hearing

Anthony:

I hope you had a nice Thanksgiving holiday. I am following up on my e-mail below, which never received a response. It has been 18 days since the Court's order. We still have not received even a timeline of when the communications will be made available for Moog's review. Please provide an update.

Thank you,  
Kazim

**Kazim Naqvi**  
**SheppardMullin** | Los Angeles  
+1 424-288-5336 | ext. 15336

**From:** Kazim Naqvi  
**Sent:** Monday, November 21, 2022 12:10 PM  
**To:** 'Anthony Green' <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>  
**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>  
**Subject:** RE: Moog/Skyryse - November 10 Hearing

Anthony:

I am following up on your e-mail sent six days ago. By now, we certainly expect that the subject communications have been processed and any review is underway. Please advise when these communications will be released to Moog pursuant to the Court's order.

Further, while unclear from your e-mail below, it appears that the Individual Defendants are working with experts to pull certain communications as part of the review. To the extent some, but not all, communications are being reviewed, we request that the un-reviewed communications be produced now. To the extent the Individual Defendants are performing some sort of sampling methodology as part of their review, we request details as to what that sampling entails.

Please advise.

Thank you,  
Kazim

**Kazim Naqvi**  
**SheppardMullin** | Los Angeles  
+1 424-288-5336 | ext. 15336

**From:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>

**Sent:** Tuesday, November 15, 2022 7:14 AM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>

**Subject:** RE: Moog/Skryse - November 10 Hearing

We don't yet have an estimate. Our experts are still pulling the communications so that we can review them. Once they're all pulled, we'll be able to provide an estimate as to when the review will be completed.

**Anthony D. Green, Esq.**  
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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>  
**Sent:** Monday, November 14, 2022 11:27 PM  
**To:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>  
**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>  
**Subject:** RE: Moog/Skyryse - November 10 Hearing

Anthony:

We have not heard a proposal from you or timeline to complete the privilege review. While we disagree that any privacy review is necessary or proper (for the reasons stated in my earlier e-mail), we are prepared to extend our requested deadline to November 30. Please confirm that is acceptable.

Skyryse—we have not heard from you regarding:

1. The complete file listings for Brenes' Skyryse issued laptop and the file and connection logs for USB Device 55D28D65 be produced to Moog on or before November 18.

2. The privilege review of the Skyrise issued laptops belonging to Achar, Chung, and Dao be completed, and the images be made available for Moog's review, on or before November 30.

Please confirm.

Thank you,  
Kazim

**Kazim Naqvi**  
**SheppardMullin** | Los Angeles  
+1 424-288-5336 | ext. 15336

**From:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>  
**Sent:** Friday, November 11, 2022 9:44 AM  
**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>  
**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>  
**Subject:** RE: Moog/Skyrise - November 10 Hearing

We have that right under the protective order and we are exercising it. I've told you why your unilaterally-chosen deadline won't be met. Your feelings about the necessity of our clients' privacy rights are noted and rejected.

**Anthony D. Green, Esq.**  
*Partner*  
Winget, Spadafora & Schwartzberg, LLP  
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New York, N.Y. 10006  
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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>  
**Sent:** Friday, November 11, 2022 12:41 PM  
**To:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>  
**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>  
**Subject:** RE: Moog/Skyryse - November 10 Hearing

Anthony:

For the reasons discussed during yesterday's hearing, a privacy review is neither necessary nor appropriate. In fact, when asked by Judge McCarthy, Mr. Truitt admitted that no privacy review was performed before releasing the first tranche of communications (from 2021 to present) to Moog. No privacy review is needed for this second tranche of communications.

We understand the Individual Defendants want to perform a privilege review. However, all the communications at issue (3/7/19 to 12/31/20) pre-date this litigation. There are likely minimal privileged communications, if any. To the extent Ms. Kim or Mr. Pilkington had personal legal counsel for other matters, a privilege review can be quickly performed by running search terms for those attorneys.

We stand by our request that all communications from iDS Device Nos. E0003, E0004, E0014, E0021, E0022 from March 7, 2019 to present be made available to Moog for review on or before November 18. The Individual Defendants have not made any factual showing why that deadline cannot be met.

Thank you,  
Kazim

**Kazim Naqvi**  
**SheppardMullin** | Los Angeles  
+1 424-288-5336 | ext. 15336

**From:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>  
**Sent:** Thursday, November 10, 2022 5:18 PM  
**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; SKYRYSEMOOG.LWTEAM@lw.com; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>  
**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>  
**Subject:** RE: Moog/Skryse - November 10 Hearing

Kazim:

Eight days is far too short to complete a privilege and privacy review of two years' worth of communications. We will consult with our clients and get back to you with a reasonable timeframe.

Regards,

Anthony

**Anthony D. Green, Esq.**  
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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Thursday, November 10, 2022 8:16 PM

**To:** [SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com); Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>; Annabel Mireles <[mireles.a@wssllp.com](mailto:mireles.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Muto, Pauline T. <[pmuto@hodgsonruss.com](mailto:pmuto@hodgsonruss.com)>; Fluskey Jr., Robert J. <[RFluskey@hodgsonruss.com](mailto:RFluskey@hodgsonruss.com)>; Mike Kim <[MSKim@sheppardmullin.com](mailto:MSKim@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>

**Subject:** Moog/Skryryse - November 10 Hearing

Counsel:

In light of the Court's rulings today, Moog requests that:

1. The complete file listings for Brenes' Skryryse issued laptop and the file and connection logs for USB Device 55D28D65 be produced to Moog on or before November 18.
2. The privilege review of the Skryryse issued laptops belonging to Achar, Chung, and Dao be completed, and the images be made available for Moog's review, on or before November 30.
3. All communications from iDS Device Nos. E0003, E0004, E0014, E0021, E0022 from March 7, 2019 to present be made available to Moog for review on or before November 18.

Please confirm your agreement to the foregoing.

Thank you,  
Kazim

**Kazim A. Naqvi**

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# **EXHIBIT B**

**From:** Kazim Naqvi

**Sent:** Tuesday, March 21, 2023 10:45 AM

**To:** 'Rachel Fiset' <Rachel.Fiset@zfzlaw.com>; Scott Tenley <scott.tenley@zfzlaw.com>; Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Lai Yip <LYip@sheppardmullin.com>

**Cc:** Ben Heller <Ben.Heller@zfzlaw.com>; Grant Gelberg <grant.gelberg@halpernmay.com>; Catherine Thompson <catherine.thompson@halpernmay.com>; Alyssa Titche <alyssa.titche@halpernmay.com>

**Subject:** RE: Moog/Skryse - Meet and Confer

Rachel:

Thank you for meeting and conferring this morning.

This confirms that the Individual Defendants are refusing to produce the documents ordered to be produced by the Court on November 10, 2022-- all communications from iDS Device Nos. E0003, E0004, E0014, E0021, E0022 from March 7, 2019 to December 31, 2022.

The apparent basis for your position is that you intend to assert your clients' Fifth Amendment privilege over the production of such communications. I advised you that your clients previously clawed back all devices produced to iDS under a potential Fifth Amendment assertion. In response to these actions, WDNY Magistrate Judge McCarthy ordered that: 1) the iDS devices are not subject to a Fifth Amendment privilege; 2) the production of such devices was not testimonial; and 3) if any Fifth Amendment privilege existed, it had been waived. (See Dkt. 253). After further written objection from your clients, presiding District Judge Vilardo issued an order on October 4, 2022 affirming Judge McCarthy's Order. (See Dkt. 272). After these orders were issued, Judge McCarthy then ordered the communications at issue to be produced.

You also mentioned the pending Motion to Stay as a basis to not produce any discovery. I invite you to provide legal authority that a pending motion to stay is a basis to stop discovery and compliance with prior Court orders compelling the production of discovery.

It is confusing and unfortunate that you are re-litigating issues that had expressly been ruled upon several months ago. The Individual Defendants are intentionally and flagrantly violating at least three Court orders. After waiting more than five months for these communications to be produced, we are now forced to move the Court to enforce such orders and reserve the right to seek monetary and other sanctions.

Thank you,  
Kazim

**Kazim A. Naqvi**

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**From:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Sent:** Wednesday, March 15, 2023 1:17 PM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

I am not available until Tuesday. Does 10 AM work for you Tuesday morning?

Thank you.

Rachel Fiset

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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Wednesday, March 15, 2023 12:31 PM

**To:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

Hi Rachel:

I need to reschedule our meet and confer. Can you please let me know your availability tomorrow and Friday?

Thanks,

Kazim

**Kazim A. Naqvi**

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**From:** Kazim Naqvi

**Sent:** Friday, March 10, 2023 10:16 AM

**To:** 'Rachel Fiset' <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skryse - Meet and Confer

Hi Rachel:

I will send a Zoom invite to meet and confer on Wednesday at 2 PM. I look forward to speaking with you.

Thanks,  
Kazim

**Kazim A. Naqvi**

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**From:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Sent:** Thursday, March 9, 2023 4:28 PM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skryse - Meet and Confer

Kazim – we can meet and confer, we just don't know enough to say anything that would facilitate a resolution and bringing us into court seems like a colossal waste of resources because we do not even have all of the relevant client files yet. Would you be so kind as to wait until we have all of the client

files to discuss this issue? We are working diligently to get them. If not, we can discuss next Wednesday or Thursday (but I cannot promise I can effectively advise you of the status of the production until I have the files and know what they say...).

Thank you for your patience as we transfer this case.

Best,

Rachel Fiset  
**ZWEIBACK Fiset & ZALDUENDO LLP**  
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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>  
**Sent:** Thursday, March 9, 2023 4:20 PM  
**To:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>  
**Cc:** Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>  
**Subject:** RE: Moog/Skryse - Meet and Confer

Counsel:

The urgency is laid out in my prior e-mail. The Court ordered these documents to be produced on November 10, 2022, and they have not been produced. It does not require 14 days to review 10 pages of a transcript and an e-mail thread where your clients' prior counsel committed to producing the documents in December 2022. This is not a matter of interpretation or advocacy, it is a simple matter of your clients not complying with a prior discovery order of the Court.

We have requested a meet and confer as required by L.R. 37-1, and you have rejected our request. We are making one last request to telephonically meet and confer as required by the Court. Please provide your availability tomorrow and Monday morning before Noon PT for a telephone conference. If you will not agree to meet and confer with us, by Noon PT on Monday, please provide five dates and times over the next three weeks where you are available for a conference with the Court. If we do not hear from you, we will request a discovery conference with the Court on Monday afternoon and will advise the

Court of our meet and confer efforts. We reserve all rights, including the right to obtain sanctions as appropriate under Rule 37(b).

Thank you,  
Kazim

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**From:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Sent:** Thursday, March 9, 2023 3:51 PM

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**Subject:** RE: Moog/Skyryse - Meet and Confer

Kazin - thank you for providing the attached materials, which we will review. Nevertheless, as newly substituted counsel, we are not, and will not be by close of business today, in a position to confirm details about any document production or a date certain for such a production. As such, I do not understand the sudden urgency to seek court intervention where new counsel has just entered the case and is not equipped with sufficient information to make the commitments you seek.

I suggest we reconvene in 14 days at which time I anticipate we will have a better understanding of the issues and can therefore participate in an informed meet and confer.

Thank you.

Rachel Fiset  
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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>  
**Sent:** Tuesday, March 7, 2023 9:12 PM  
**To:** Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>  
**Cc:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>  
**Subject:** RE: Moog/Skyryse - Meet and Confer

Hi Scott:

It is nice to meet you via e-mail. We appreciate that you are just now substituting into the case, but we disagree that a request to meet and confer about the Individual Defendants' failure to produce documents pursuant to a Court order issued 4 months ago is premature. We have been waiting 4 months for these documents to be produced.

At your request, I am attaching:

- The November 10, 2022 hearing transcript, where the Court orders the communications to be produced (see pages 35-46).
- A December 7, 2022 e-mail from Individual Defendants' prior counsel indicating the Court-ordered documents would be produced "toward the end of next week."

This is a simple issue. On November 10, 2022, the Court ordered the Individual Defendants to produce communications from March 7, 2019 through December 31, 2020 from 5 devices. Individual Defendants' prior counsel stated in December 2022 the documents were forthcoming the next week. The documents have not been produced after several months.

Please confirm by COB Thursday that all the Court-ordered communications will be produced within 14 days. If we do not receive this confirmation, we will proceed on Friday with scheduling an informal discovery conference.

Thank you,  
Kazim

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**From:** Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>

**Sent:** Tuesday, March 7, 2023 5:45 PM

**To:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>;  
Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Cc:** Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Grant Gelberg  
<[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>;  
Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>

**Subject:** RE: Moog/Skyryse - Meet and Confer

Kazim,

I write on behalf of both Mr. Pilkington and Ms. Kim. We have reviewed your March 6 request to meet and confer about a November 10, 2022 discovery order issued by the Western District of New York. At this point, that request is premature. The Court did not grant our substitution request until just this afternoon. Our understanding of the discovery orders and the pending discovery disputes is very limited at this point. While we will endeavor to bring ourselves up to speed promptly, we are not yet in a position to meaningfully and intelligently confer on any pending discovery disputes. If there are particular emails, transcripts, or orders that you would like us to review on the discovery matter discussed in your email, please send them to us. Once we have developed an understanding of the discovery issues implicated by the order, we look forward to conferring further so that we may work to resolve the dispute without the need for court intervention.

Regards,  
Scott Tenley

Scott D. Tenley  
**ZWEIBACK, Fiset & ZALDUENDO LLP**  
Office: (213) 266-5174  
Mobile: (949) 302-6570

---

**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Monday, March 6, 2023 6:24:38 PM

**To:** [Grant.Gelberg@halpernmay.com](mailto:Grant.Gelberg@halpernmay.com) <[Grant.Gelberg@halpernmay.com](mailto:Grant.Gelberg@halpernmay.com)>;  
[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com) <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Rachel Fiset  
<[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>;  
Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Subject:** FW: Moog/Skyryse - Meet and Confer



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender [KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)



Dear Counsel:

We are counsel for Moog in connection with the above-referenced matter. Per the e-mail exchange below, we understand that your firms are substituting in as new counsel for Individual Defendants Misook Kim and Robert Alin Pilkington.

As described below, there is a discovery dispute that we intend to promptly raise with Magistrate Judge Rocconi for an informal discovery conference. The dispute relates to Individual Defendants' failure to produce all communications from five electronic devices produced to third party vendor iDS from March 7, 2019 through December 31, 2020, pursuant to the WDNY's orders on November 10, 2022. (Dkt. 292). The WDNY ordered such communications to be produced in November 2022, and the Individual Defendants committed in December 2022 to producing such documents, but are now refusing to produce them.

Given the length of time we have waited for compliance and production, and our eagerness to move this issue forward, please provide your availability Wednesday to telephonically meet and confer regarding this issue, as required by L.R. 37-1. We are available on Wednesday any time between 10 AM-1 PM and after 2:30 PM PT.

Thank you,  
Kazim

**Kazim A. Naqvi**  
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**From:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>

**Sent:** Friday, March 3, 2023 1:00 PM

**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>

**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>;

Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>

**Subject:** RE: Moog/Skryse - Meet and Confer

Kazim,

As you are aware from our office's filing yesterday, we are withdrawing as counsel for the Individual Defendants. As such, any conferences that will impact future proceedings should occur with incoming counsel. Similarly, the Individual Defendants' new counsel's availability, rather than ours, will need to be considered in scheduling a discovery conference with the Court.

Best,

Anthony

**Anthony D. Green, Esq.**

*Partner*

Winget, Spadafora & Schwartzberg, LLP

45 Broadway, 32nd Floor

New York, N.Y. 10006

P (212) 221-6900 | F (212) 221-6989

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[WSSLLP.com](https://www.wssllp.com) | [Mailing List](#)



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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>  
**Sent:** Friday, March 3, 2023 3:45 PM  
**To:** Anthony Green <[green.a@wssllp.com](mailto:green.a@wssllp.com)>; Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>  
**Cc:** Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>;  
Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>  
**Subject:** Moog/Skyryse - Meet and Confer

Counsel:

Moog intends to commence a discovery conference with Magistrate Judge Rocconi regarding the Individual Defendants' failure to produce all communications from five electronic devices produced to iDS from March 7, 2019 through December 31, 2020, pursuant to the WDNy's orders on November 10, 2022. (Dkt. 292). Pursuant to Magistrate Judge Rocconi's procedures, the Parties must engage in one final meet and confer within 24 hours of initiating the discovery conference procedure.

Please provide your availability on Monday to meet and confer between 11AM to Noon PT, and 1-4 PM PT. As required by Judge Rocconi's procedures, please also provide three available dates and times over the next two weeks to participate in a discovery conference with the Court.

Thank you,  
Kazim

**Kazim A. Naqvi**  
+1 424-288-5336 | direct  
[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com) | [Bio](#)

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# **EXHIBIT C**

**From:** Jim Vaughn <JVaughn@idsinc.com>

**Sent:** Tuesday, March 21, 2023 9:20 AM

**To:** Scott Tenley <scott.tenley@zfzlaw.com>; Grant Gelberg <grant.gelberg@halpernmay.com>; Rachel Fiset <Rachel.Fiset@zfzlaw.com>; Takuma Nishimura <tnishimura@sheppardmullin.com>; Daniel Watson <dwatson@idsinc.com>; Waqas Anis <wanis@idsinc.com>; Jonathan Karchmer <JKarchmer@idsinc.com>; Nitin Khanna <nkhanna@idsinc.com>

**Cc:** SKYRYSEMOOG.LWTEAM@lw.com; Rena Andoh <RAndoh@sheppardmullin.com>; Travis Anderson <TAnderson@sheppardmullin.com>; Kazim Naqvi <KNaqvi@sheppardmullin.com>; Tyler Baker <TBaker@sheppardmullin.com>; James Salem <JSalem@sheppardmullin.com>;

rfluskey@hodgsonruss.com; Lai Yip <LYip@sheppardmullin.com>; Cassandra.Baloga@lw.com; Kelley.Storey@lw.com; Arman.Zahoory@lw.com; Ben Heller <Ben.Heller@zfzlaw.com>; Catherine Thompson <catherine.thompson@halpernmay.com>; Alyssa Titche <alyssa.titche@halpernmay.com>

**Subject:** Re: Moog v. Skyrise/Subpoena for records produced to iDS

Scott and Grant,

We must move this forward so please be on the lookout for the supplemental agreement for your signatures. Please be advised that you substituting in means that we will style the agreement to mirror the previous one with counsel you are replacing, with the exception being that we will have each firm be responsible for 12.5 % of their respective client's costs, whereas Wingett was 25% representing both Individuals during their involvement. This does not mean you cannot submit the bills to the carrier if they will continue to pay, but as of right now we have no record of these individuals having counsel within our system and we cannot provide services without a signed agreement,.

Hope you understand and this works for you. For reference, here is the agreement that Wingett signed, yours will be similar except payment attribution.

----

**Jim Vaughn, GCFE, EnCE**

***Managing Director***

535 Anton Blvd., Suite 860 | Costa Mesa, CA. 92626

Direct: 714.261.0348 | [jvaughn@idsinc.com](mailto:jvaughn@idsinc.com)

[iDSinc.com](http://iDSinc.com)

**From:** Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>

**Date:** Monday, March 20, 2023 at 10:39 PM

**To:** Jim Vaughn <[JVaughn@idsinc.com](mailto:JVaughn@idsinc.com)>, Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>, Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>, Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>, Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>, Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>, Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>, Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

**Cc:** "SKYRYSEMOOG.LWTEAM@lw.com" <[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>, Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>, Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>, Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>, Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>, James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>, "[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)"

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**Subject:** RE: Moog v. Skyryse/Subpoena for records produced to iDS

[EXTERNAL SENDER]

Jim,

We are looking into this and we will get back to you as soon as possible.

Regards,

Scott Tenley

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ZWEIBACK, FISET & ZALDUENDO LLP  
Office: (213) 266-5174  
Mobile: (949) 302-6570

**From:** Jim Vaughn <[JV Vaughn@idsinc.com](mailto:JV Vaughn@idsinc.com)>

**Sent:** Monday, March 20, 2023 3:49 PM

**To:** Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>; Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>; Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>; Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>; Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>

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**Subject:** Re: Moog v. Skyryse/Subpoena for records produced to iDS

Hello Scott and Grant,

Sorry for continuing to push on this, but we have yet to be able to submit the February invoice as it still shows Anthony Green as counsel of record. Can you advise what the issue is here and maybe we can help? We have a contact at Nationwide for this matter, would it be helpful if I asked my CFO to reach out to them to discuss? We need to have a new agreement put in place and have invoicing resume in order to keep the project going.

Thanks

----

**Jim Vaughn, GCFE, EnCE**  
**Managing Director**

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Direct: 714.261.0348 | [jvaughn@idsinc.com](mailto:jvaughn@idsinc.com)  
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**From:** Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>  
**Date:** Thursday, March 16, 2023 at 11:45 AM  
**To:** Jim Vaughn <[JVaughn@idsinc.com](mailto:JVaughn@idsinc.com)>, Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>, Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>, Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>, Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>, Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>, Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>, Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>  
**Cc:** "SKYRYSEMOOG.LWTEAM@lw.com" <[SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com)>, Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>, Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>, Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>, Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>, James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>, "[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)" <[rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com)>, Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>, "[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)" <[Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com)>, "[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)" <[Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com)>, "[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)" <[Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com)>, Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>, Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>, Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>  
**Subject:** RE: Moog v. Skyryse/Subpoena for records produced to iDS

[EXTERNAL SENDER]

Jim,

We have received your message regarding payment and will get back to you as soon as possible.

Regards,  
Scott

Scott D. Tenley  
ZWEIBACK, Fiset & ZALDUENDO LLP  
Office: (213) 266-5174  
Mobile: (949) 302-6570

**From:** Jim Vaughn <[JVaughn@idsinc.com](mailto:JVaughn@idsinc.com)>  
**Sent:** Wednesday, March 15, 2023 7:13 PM



**To:** Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>; Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>; Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>; Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>; Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>  
**Cc:** SKYRYSEMOOG.LWTEAM@lw.com; Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAAnderson@sheppardmullin.com](mailto:TAAnderson@sheppardmullin.com)>; Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>; James Salem <[JSalem@sheppardmullin.com](mailto:JSalem@sheppardmullin.com)>; [rfluskey@hodgsonruss.com](mailto:rfluskey@hodgsonruss.com); Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; [Cassandra.Baloga@lw.com](mailto:Cassandra.Baloga@lw.com); [Kelley.Storey@lw.com](mailto:Kelley.Storey@lw.com); [Arman.Zahoory@lw.com](mailto:Arman.Zahoory@lw.com); Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titche <[alyssa.titche@halpernmay.com](mailto:alyssa.titche@halpernmay.com)>  
**Subject:** Re: Moog v. Skyrise/Subpoena for records produced to iDS

I owe this group an apology. Grant had emailed me last week semi ex-parte and I did not catch it until today. It was an innocuous email that contained the spreadsheet with his privilege items for the grand jury subpoena, the same one that I attached for all to see yesterday. My apology is that I inadvertently emailed he and Scott Tenley's firm today before I realized the whole group was not on. I asked the following:

Grant/Scott,

To date, Nationwide has assumed financial payments for the 25 % total owed by Kim and Pilkington, collectively. Is Nationwide going to continue to be the payor of the invoices?

My email had no other content. Grant/Scott, I do need to get this nailed down so please reply all to let me know. There are very few exceptions where you are allowed to email me offline, and I believe it was an innocent oversight, my presumption is that you still have not had enough time to fully review and comprehend the intricacies of the protocol.

Thanks

----

**Jim Vaughn, GCFE, EnCE**  
***Managing Director***

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# **EXHIBIT D**

**From:** Jim Vaughn <[JV Vaughn@idsinc.com](mailto:JV Vaughn@idsinc.com)>  
**Sent:** Wednesday, March 29, 2023 6:12 PM  
**To:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>  
**Cc:** [SKYRYSEMOOG.LWTEAM@lw.com](mailto:SKYRYSEMOOG.LWTEAM@lw.com); Rena Andoh <[RAndoh@sheppardmullin.com](mailto:RAndoh@sheppardmullin.com)>; Travis Anderson <[TAnderson@sheppardmullin.com](mailto:TAnderson@sheppardmullin.com)>; Tyler Baker <[TBaker@sheppardmullin.com](mailto:TBaker@sheppardmullin.com)>; Lai Yip <[LYip@sheppardmullin.com](mailto:LYip@sheppardmullin.com)>; Scott Tenley <[scott.tenley@zfzlaw.com](mailto:scott.tenley@zfzlaw.com)>; Grant Gelberg <[grant.gelberg@halpernmay.com](mailto:grant.gelberg@halpernmay.com)>; Rachel Fiset <[Rachel.Fiset@zfzlaw.com](mailto:Rachel.Fiset@zfzlaw.com)>; Takuma Nishimura <[tnishimura@sheppardmullin.com](mailto:tnishimura@sheppardmullin.com)>; Daniel Watson <[dwatson@idsinc.com](mailto:dwatson@idsinc.com)>; Waqas Anis <[wanis@idsinc.com](mailto:wanis@idsinc.com)>; Jonathan Karchmer <[JKarchmer@idsinc.com](mailto:JKarchmer@idsinc.com)>; Nitin Khanna <[nkhanna@idsinc.com](mailto:nkhanna@idsinc.com)>; Ben Heller <[Ben.Heller@zfzlaw.com](mailto:Ben.Heller@zfzlaw.com)>; Catherine Thompson <[catherine.thompson@halpernmay.com](mailto:catherine.thompson@halpernmay.com)>; Alyssa Titcher <[alyssa.titcher@halpernmay.com](mailto:alyssa.titcher@halpernmay.com)>  
**Subject:** Re: Moog/Skyryse - Delivery of USB Device

Hello Kazim,

We are in a bit of an awkward position at this moment. Right now, our retention is supposed to be by all parties. If you've noticed the exchanges back and forth, there has been a change of counsel from one firm for the IDs, to two firms, one for each ID. The payment responsibility was also divided 50/25/25, but with the defendants now being individually represented, that would go to 50% Moog, 25% Skyryse, and 12.5 per individual defendant. We sent a change in counsel supplemental agreement out on Friday to Mr. Tenley and Mr. Gelberg. This agreement has not been executed, so we are in a holding pattern until we get retained. We will continue to provide privilege work product to the requesting party (e.g., like I did for Takuma today), but I do not believe we can do additional and/or new work on behalf of the individual defendants as we do not currently have permission to do so. If we cannot do this for them, it will affect all parties as they must take financial responsibility, as well as agree to the T&Cs of our agreement. I realize the inconvenience of the situation, but we cannot assume any potential liability for doing work on their behalf without being formally retained. I would be happy to have a call with one representative from each party, to discuss alternative approaches to us being able to continue if Mr. Tenley and Mr. Gelberg are not inclined to continue using iDS for their services. Please let me know next steps, I'm here to help the parties move this forward.

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**Jim Vaughn, GCFE, EnCE**  
**Managing Director**

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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>  
**Date:** Wednesday, March 29, 2023 at 2:18 PM  
**To:** Jim Vaughn <[JV Vaughn@idsinc.com](mailto:JV Vaughn@idsinc.com)>  
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**Subject:** Moog/Skyryse - Delivery of USB Device

[EXTERNAL SENDER]

Dear Jim:

Moog is sending to iDS (for delivery tomorrow) an encrypted USB drive containing: 1) Ivanti Log for Tri Dao; and 2) a logical evidence file that contains certain Windows files associated with USB drive connection from Mr. Dao's Moog laptop.

The tracking number for the drive is: 1za2v1660189883033

The password to access the drive is: ExploreGr8Outd00r\$

Please confirm receipt of the drive tomorrow and please promptly make its contents available for the other parties' review.

Thank you,  
Kazim

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